

**IN THE CIRCUIT COURT OF THE FORTY-FIRST JUDICIAL CIRCUIT
MACON AND SHELBY COUNTIES, MISSOURI**

ADMINISTRATIVE ORDER – SHELBY COUNTY

Effective June 18, 2020

Order Superseding Administrative Order Dated 6/11/2020

**RE: IMPLEMENTATION OF PHASE 2 UNDER MISSOURI SUPREME COURT
COVID-19 OPERATIONAL DIRECTIVES**

WHEREAS, the Missouri Supreme Court issued Operational Directives (“Directives”) on May 4, 2020, setting forth procedures for the gradual transition to resume court activities previously suspended by the Court’s prior orders; and

WHEREAS, the Directives create four different phases for court operations, from Phase Zero (the current and most restrictive phase) to Phase 3 (the least restrictive), with each of the Courts in Missouri to begin in Phase Zero as of May 4, 2020; and

WHEREAS, the Directives allow the presiding judge of a circuit, after evaluating “gateway criteria” and consulting with local health officials, to order a change of operating phase for the circuit either up or down in restrictions; and

WHEREAS, any movement to the next higher operating phase can be made only after a court has been in the prior operating phase for a period of at least fourteen (14) calendar days, though a court may revert back immediately to a prior operating phase when local health conditions require it; and

WHEREAS, Shelby County of the 41st Judicial Circuit has a new confirmed positive case of the COVID-19 virus within Shelby County of the 41st Judicial Circuit; and

WHEREAS, after considering the “gateway criteria” and health officials consultations, it is appropriate that **Shelby County** of the 41st Judicial Circuit return to Phase 2 of the Operational Directives effective June 18, 2020.

THEREFORE, IT IS NOW HEREBY ORDERED as follows:

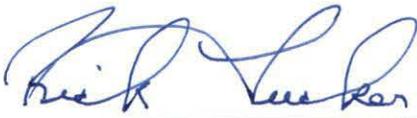
1. Effective June 18, 2020, **Shelby County** of the 41st Judicial Circuit shall be changed from Phase 3 to Phase 2. The details for operating under Phase 2 are set forth herein.
2. The front doors to the Shelby County Courthouse will remain locked during Phase 2.
3. Increased in-person court proceedings, including the most extraordinary, pressing, and urgent grand and petit jury proceedings that can be safely conducted in compliance with social distancing protocols, as well as the following types of hearings:

- Proceedings necessary to protect the constitutional rights of criminal defendants, including the right to a speedy trial, and the rights afforded under section 544.676.3;
 - Proceedings pursuant to chapters 210 and 211 pertaining to juvenile delinquency and abuse, neglect, and termination of parental rights;
 - Proceedings pursuant to chapter 453 pertaining to adoption;
 - Proceedings in which civil or criminal jury trials are already in progress as of March 16, 2020;
 - Proceedings pursuant to chapter 455 pertaining to orders of protection;
 - Proceedings related to petitions for temporary restraining orders or other forms of temporary injunctive relief;
 - Proceedings related to emergency mental health orders;
 - Proceedings pursuant to chapter 475 for emergency guardianship or conservatorship;
 - Proceedings directly related to the COVID-19 public health emergency;
 - Oral arguments regarding time-sensitive matters;
 - Any other in-person proceeding, if and only if deemed in writing “most critical” by the judge having jurisdiction. A grand jury or petit jury proceeding shall only be permitted if deemed in writing by the judge having jurisdiction “most extraordinary, pressing, and urgent.” Any jury proceedings shall be conducted in accordance with any Missouri Supreme Court operational directives pertaining to such proceedings then in effect; and
 - Other exceptions approved by the Chief Justice of this Court.
4. Though a court is permitted to set an in-person hearing in a proceeding listed above, it is not required to do so, and instead is encouraged to handle such proceedings by audio/video conference, if possible. If an in-person proceeding is necessary, it shall be limited to the attorneys, parties, witnesses, security officers, and others necessary to the proceeding as determined by the judge presiding over the proceeding. The judge presiding over an in-person proceeding shall allow vulnerable litigants, witnesses, victims, attorneys, and other participants to participate in the proceeding remotely by audio/video conference, or, if such remote participation is not feasible, postpone such person’s in-person presence or postpone the in-person proceeding. If a proceeding is one that is open to the public by law, any member of the public desiring access shall be provided upon request with electronic access by either audio conference or video conference. The judge presiding over a proceeding has the discretion to excuse jurors or other individuals who cannot or should not appear as a result of risks associated with COVID-19.
 5. Judges and court staff are encouraged to continue utilizing all available technologies – including audio conferencing and video conferencing – whenever possible to limit in-person courtroom appearances to the extent not prohibited by constitutional or statutory provisions.
 6. In each case, judges and court staff shall endeavor to specify by docket entry available on Casenet a reasonable time in advance of a given court date, the type of appearance expected by attorneys and parties. If the appearance is required by audio conference or video conference.

7. The Order limiting courthouse access of persons with risk factors for the COVID-19 virus remains in effect. Court security staff shall screen all persons entering the courthouse with a temperature check and basic screening questions: 1) Have you traveled to any foreign country in the last 14 days; 2) Have you been in close contact with or reside with someone who has traveled to a foreign country within the last 14 days; 3) Do you have a fever, cough, or shortness of breath? **Court security staff will be stationed at the courthouse doors and screening will take place during regular business hours Monday through Friday from 8:00 am until 5:00 pm.** A record of each person not employed at the respective courthouses entering the building will be kept for contact tracing purposes. The person's name, telephone number, and temperature will be recorded with the date and time they visited the courthouse.
8. All non-essential travel by judicial employees for work-related functions remains suspended.
9. Occupancy rates for courtrooms, jury assembly rooms, and other areas in court facility shall be limited to twenty-five (25) or less whenever possible. Social distancing shall be practiced in all such areas, including observing at least a six-foot minimum physical distance from others whenever possible. Social distancing shall be practiced to the extent possible in all other areas of court facilities as well, including judicial offices, clerical offices, court security offices and hallways. **It is strongly recommended that all persons present in any court facility wear a mask or face covering at all times, except when such person is alone in an office or otherwise not expected to come within ten (10) feet of another person.**
10. A judge presiding over an in-person proceeding may require the use of masks or face coverings, and may require the use of tape or other visible means to demark six-foot distances where practical.
11. Judges and court staff should remain alert to the possibility of congestion in waiting areas when dockets contain multiple cases requiring in-person appearances and steps should be taken to avoid issues of congestion, such as asking participants to wait in their vehicle until court is ready for their case.
12. The current practice of increased cleaning and disinfection of common areas and the provision of hand sanitizers and wipes shall continue.
13. Vulnerable judicial employees should work with supervisors to stay at home. Employees who live with or provide care for vulnerable individuals should do the same to the greatest extent possible to reduce chances that they could carry the virus to those vulnerable individuals.
14. Judicial employees are permitted to work in shifts whenever possible and feasible to keep staffing levels to a bare minimum to support court activity.

15. A judicial employee is permitted to stay home where possible if the employee: a) Is subject to a quarantine or isolation order or is living with or caring for such an individual; b) Has been advised by a health care provider to self-quarantine or is living with or caring for an individual who has been advised to self-quarantine; c) Is considered high-risk based on local or state health officials or departments criteria for contracting COVID-19, or is living with or caring for such an individual; or d) Is experiencing symptoms of COVID-19 and seeking medical diagnosis, or is living with or caring for such an individual.
16. This Order is effective June 18, 2020, and shall remain in full force and effect until further order of this Court.

IT IS SO ORDERED.



Frederick Tucker, Presiding Judge

6/18/2020

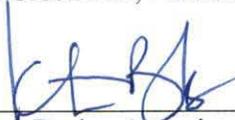
Date



Mike Greenwell, Associate Circuit Judge

6/18/2020

Date



Kristen Burks, Associate Circuit Judge

6-18-2020

Date